



ORDINARY MEETING OF COUNCIL
MINUTES

26 JULY 2016

TABLE OF CONTENTS

1	DECLARATION OF OPENING.....	2
2	ACKNOWLEDGEMENT OF COUNTRY	2
3	ATTENDANCE.....	2
4	RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE.....	3
5	PUBLIC QUESTION TIME	3
6	APPLICATIONS FOR LEAVE OF ABSENCE	4
7	PETITIONS, DEPUTATIONS OR PRESENTATIONS.....	5
8	DECLARATIONS OF CONFLICTS OF INTEREST	5
9	CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – AS CIRCULATED.....	5
10	ANNOUNCEMENTS BY THE CHAIR	6
11	REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES.....	9
	<i>DCS289 AUTHORISED OFFICERS FOR CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT AND CARAVAN PARKS AND CAMPING GROUNDS ACT.....</i>	9
12	REPORTS OF CORPORATE & COMMERCIAL SERVICES.....	12
	<i>CCS192 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER 2016-2017</i>	<i>12</i>
	<i>CCS193 COMMUNITY GRANTS COMMITTEE.....</i>	<i>17</i>
	<i>CCS194 MONTHLY MANAGEMENT REPORT TO 30 JUNE 2016</i>	<i>20</i>
	<i>CCS195 CONFIDENTIAL ITEM – CORPORATE AND COMMERCIAL SERVICES.....</i>	<i>23</i>
13	REPORTS OF INFRASTRUCTURE SERVICES	24
	<i>IS130 MAITLAND PARK BOTANICAL GARDENS PROPOSAL.....</i>	<i>24</i>
14	REPORTS OF THE OFFICE OF THE CEO.....	30
	<i>CEO043 CONFIDENTIAL ITEM – OFFICE OF THE CEO.....</i>	<i>30</i>
15	REPORTS TO BE RECEIVED.....	31
16	DEFERRED MATTERS	33
	<i>CCS195 CONFIDENTIAL ITEM – CORPORATE AND COMMERCIAL SERVICES.....</i>	<i>34</i>
	<i>CEO043 CONFIDENTIAL ITEM – OFFICE OF THE CEO.....</i>	<i>36</i>
17	ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	38
18	QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN	38
19	URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING.....	38
20	CLOSURE	38
	APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED	39

CITY OF GREATER GERALDTON
ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 26 JULY 2016 AT 5.00PM
CHAMBERS, CATHEDRAL AVENUE

MINUTES

DISCLAIMER:

The Chairman advises that the purpose of this Council Meeting is to discuss and, where possible, make resolutions about items appearing on the agenda. Whilst Council has the power to resolve such items and may in fact, appear to have done so at the meeting, no person should rely on or act on the basis of such decision or on any advice or information provided by a Member or Officer, or on the content of any discussion occurring, during the course of the meeting. Persons should be aware that the provisions of the Local Government Act 1995 (Section 5.25(e)) and Council's Standing Orders Local Laws establish procedures for revocation or rescission of a Council decision. No person should rely on the decisions made by Council until formal advice of the Council decision is received by that person. The City of Greater Geraldton expressly disclaims liability for any loss or damage suffered by any person as a result of relying on or acting on the basis of any resolution of Council, or any advice or information provided by a Member or Officer, or the content of any discussion occurring, during the course of the Council meeting.

1 DECLARATION OF OPENING

The Presiding Member declared the meeting open at 5.00pm.

2 ACKNOWLEDGEMENT OF COUNTRY

I would like to respectfully acknowledge the Yamaji people who are the Traditional Owners and First People of the land on which we meet/stand. I would like to pay my respects to the Elders past, present and future for they hold the memories, the traditions, the culture and hopes of the Yamaji people.

3 ATTENDANCE

Present:

Mayor S Van Styn

Cr G Bylund

Cr D J Caudwell

Cr N Colliver

Cr J Critch

Cr S Douglas

Cr R Ellis joined the meeting at 5.02pm

Cr L Graham

Cr L Freer

Cr R D Hall

Cr S Keemink

Cr M Reymond joined the meeting at 5.03pm

Cr N McIlwaine

Cr V Tanti

Cr T Thomas

Officers:

K Diehm, Chief Executive Officer
P Melling, Director of Development & Community Services
B Davis, Director of Corporate and Commercial Services
R McKim, Director of Infrastructure Services
M Adam, Minute Secretary
B Wilson, Coordinator Emergency Management
P Kingdon, Coordinator Communications

Others:

Hon. Paul Brown MLC
Members of Public: 5
Members of Press: 1

Apologies:

Nil

Leave of Absence:

Nil

4 RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

5 PUBLIC QUESTION TIME

Questions provided in writing prior to the meeting or at the meeting will receive a formal response. Please note that you cannot make statements in Public Question Time and such statements will not be recorded in the Minutes.

Our Local Laws and the Local Government Act require questions to be put to the presiding member and answered by the Council. No questions can be put to individual Councillors.

Public question time commenced at 5.03pm

Sean Hickey, PO Box 2966, Geraldton WA

Mr Hickey referred to the Southgate's Dune System

Mr Hickey submitted written questions to Council late, within an hour of the scheduled commencement time of the meeting, providing no time for officer consideration of the matters raised. A more detailed response in relation to all seven questions submitted will be provided to Mr Hickey in due course. Mr Hickey read out the following 3 questions as per the Public Question time process.

Question

1. What is the policy and management procedures moving forward that can alleviate the enormous potential environmental costs there are

associated with the removal of so much sand with the inundation of significant sea during storm times?

2. How is the Council about to incorporate into its policy and management procedures recommendations that are forthwith in the Department of Transport 2012 report and many other reports about the significance of the Southgate's systems in the maintenance and upkeep and the longevity of the natural process of beaches along the Southern coast and further along our Northern Coast as the transport of sand system.
3. In the terms of the nominated name for our sand Lime Sand the other obvious term used is sand sediment as used in the natural system, will Council in its future policy and management realise the worth and priority that should be given to the natural component of that sand dune system as opposed to the priority that is given to the other adopted name Lime sand.

Response

1. The process the City is undertaking in relation to coastal is the CHRMAP (Coastal hazard risk management and adaptation planning) process.
2. The outcomes of the CHRMAP process will be incorporated into the City's strategy, policy and procedures, yes they will be. The City will need to go through that process and is engaging experts and the community and you are welcome to participate in the Community Consultation process as the exercise is undertaken.
3. In answer to the question "will the Council give worth and priority to the natural uses of sand as opposed to the commercial uses of limestone sand, this is a matter for the Council and I believe that they will. The City has recently put a public notice out and asked the Community to provide the City with feedback in relation to the Southgates Dunes extraction licence application and you are welcome to make a submission in relation to the application. Many, many, factors will be considered in relation to the licence and they will be presented to Council for a determination.

Public question time concluded at 5.06pm

6 APPLICATIONS FOR LEAVE OF ABSENCE

Existing Approved Leave

Councillor	From	To (inclusive)
Mayor S Van Styn	23 August 2016	23 August 2016
Cr L Freer	1 August 2016	2 August 2016
Cr N McIlwaine	2 August 2016	6 August 2016
Cr G Bylund	18 August 2016	29 August 2016

Cr S Keemink	23 August 2016	1 September 2016
Cr M Reymond	1 September 2016	26 September 2016
Cr G Bylund	3 September 2016	10 September 2016
Cr J Critch	15 September 2016	10 October 2016
Cr L Freer	27 September 2016	28 September 2016
Mayor S Van Styn	16 October 2016	22 October 2016
Cr G Bylund	2 October 2016	9 October 2016

MOVED CR GRAHAM, SECONDED CR MCILWAINE

Cr B Hall requests leave of absence for the period 31 July 2016 to 7 August 2016.

CARRIED 15/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.

7 PETITIONS, DEPUTATIONS OR PRESENTATIONS

Cr R Hall presented Brendan Wilson, Coordinator Emergency Management, with an Outstanding Volunteer Award from the Mullewa Volunteer Fire Brigade.

8 DECLARATIONS OF CONFLICTS OF INTEREST

Cr N Colliver declared an impartiality interest in Item CCS193, Community Grants Committee as Meredith Wills is a personal friend.

Cr S Douglas declared an impartiality interest in item IS130, Maitland Park Botanical Gardens Proposal, as FroGG's are seeking a grant through Mid West Development Commission.

Cr N Colliver declared an impartiality interest in Item IS130, Maitland Park Botanical Gardens Proposal, as her mother-in-law is on the Friends of Geraldton Gardens Inc Committee, which are the proponents.

9 CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING – as circulated

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 28 June 2016, as previously circulated, be adopted as a true and correct record of proceedings.

COUNCIL DECISION

MOVED CR MCILWAINE, SECONDED CR BYLUND

RECOMMENDED that the minutes of the Ordinary Meeting of Council held on 26 July 2016, as previously circulated, be adopted as a true and correct record of proceedings.

CARRIED 15/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.

10 ANNOUNCEMENTS BY THE CHAIR*Events attended by the Mayor or his representative*

DATE	FUNCTION	REPRESENTATIVE
28 June	ABC Radio Interview – RCA	Mayor Shane Van Styn
29 June 2016	Radio Mama Interview – Current Council Issues	Mayor Shane Van Styn
29 June 2016	ABC Radio Interview – Outcomes of Council Meeting	Mayor Shane Van Styn
29 June 2016	Spirit Radio Interview – Outcomes of Council Meeting	Mayor Shane Van Styn
29 June 2016	Meeting with GUC Directors	Mayor Shane Van Styn
29 June 2016	Clem Burns Heritage Award Presentation Ceremony	Mayor Shane Van Styn
29 June 2016	Stakeholder Reception with AMSA Board and Senior Executive	Mayor Shane Van Styn
30 June 2016	WA Inbound Tour Operators - China and Hong Kong Morning Tea	Mayor Shane Van Styn
30 June 2016	Official Opening - Australia's Largest Curved Simulator	Mayor Shane Van Styn
30 June 2016	CGG Staff Awards	Mayor Shane Van Styn
1 July 2016	Thank you to Sponsors - Anzac Day Hellfire Pass Student Tour 2016 Presentation	Deputy Mayor Neil McIlwaine
4 July 2016	Regular Catch-Up Media and Marketing	Mayor Shane Van Styn
4 July 2016	Regular Catch-Up Mayor and CEO	Mayor Shane Van Styn
4 July 2016	RCDP PCG Focus Group workshop - City Centre Revitalisation	Mayor Shane Van Styn
4 July 2016	City Centre Revitalisation: for RCDP Growth Plan - Council Focus Group Workshop for Elected members	Mayor Shane Van Styn
5 July 2016	Cardno - RCDP meeting	Mayor Shane Van Styn
5 July 2016	Individual Citizenship Ceremony	Mayor Shane Van Styn
5 July 2016	Regular meeting with Local Members and City of Greater Geraldton	Mayor Shane Van Styn
5 July 2016	ABC Radio Interview via telephone re: Bright Stars Daycare change of providers	Mayor Shane Van Styn
5 July 2016	Concept Forum	Mayor Shane Van Styn
6 July 2016	Official Opening of Renovations of Chrysalis House	Mayor Shane Van Styn
6 July 2016	Special Announcement by the Hon Terry Redman MLA – Beresford Foreshore	Mayor Shane Van Styn

6 July 2016	Meeting with Hon Terry Redman MLA: Key City Initiatives	Mayor Styn	Shane	Van
6 July 2016	Meet and greet with judges of the Top Tourism Award	Mayor Styn	Shane	Van
7 July 2016	ABC Radio Interview - Pre Record - Beresford Foreshore Announcement	Mayor Styn	Shane	Van
7 July 2016	Meeting with Jason Seppala - WA Country Builders to discuss Bushfire Attack levels and the building industry	Mayor Styn	Shane	Van
7 July 2016	Mullewa Health Service - Southern Inland Health Initiatives	Mayor Styn	Shane	Van
8 July 2016	Meeting with Gordon Gray & Party - Sacred Trials Mapping	Mayor Styn	Shane	Van
11 July 2016	Regular Catch-Up Media and Marketing	Mayor Styn	Shane	Van
11 July 2016	Regular Catch-Up Mayor and CEO	Mayor Styn	Shane	Van
11 July 2016	Meeting with Rev Design - 360 degree virtual Tour initiative proposal	Mayor Styn	Shane	Van
12 July 2016	Meeting with Ayr International - Re: Lot 601 Marine Terrace	Mayor Styn	Shane	Van
12 July 2016	Meet with Hon John Day, Minister for Health; Culture and the Arts; Leader of the House in the Legislative Assembly	Mayor Styn	Shane	Van
14 July 2016	Turning of the Sod - Woolworths Store Seacrest	Mayor Styn	Shane	Van
14 July 2016	Signing of International Pension Claim – Member of the Public	Mayor Styn	Shane	Van
14 July 2016	RCDP	Mayor Styn	Shane	Van
14 July 2016	Pre Meeting - regarding proposed Shopping Centre Development - Mitchell Street, Spalding	Mayor Styn	Shane	Van
14 July 2016	Meeting with Terpkos Engineering: Proposed Shopping Centre Development - Mitchell Street, Spalding	Mayor Styn	Shane	Van
14 July 2016	Meeting with Ian Ogden (CSIRO Astronomy and Space Science) re: SKA 1 in the Murchison Shire	Mayor Styn	Shane	Van
14 July 2016	GHETAP Meeting	Mayor Styn	Shane	Van
15 July 2016	ABC Radio Phone Interview - QPT Opening	Mayor Styn	Shane	Van
15 July 2016	Individual Citizenship Ceremony	Mayor Styn	Shane	Van
15 July 2016	Meeting to discuss Shark Mitigation Systems	Mayor Styn	Shane	Van
15 July 2016	Theresa Prunster 100 th Birthday Celebration	Mayor Styn	Shane	Van
17 July 2016	Radio Interview Radio Mama	Mayor Styn	Shane	Van
18 July 2016	DAP - Site Tour with panel members	Mayor Styn	Shane	Van

18 July 2016	Regular Catch-Up Media and Marketing	Mayor Styn	Shane	Van
18 July 2016	Regular Catch-Up Mayor and CEO	Mayor Styn	Shane	Van
18 July 2016	Pre-Meeting to DAP meeting: proposed Mid-West / Wheatbelt JDAP Meeting	Mayor Styn	Shane	Van
18 July 2016	DAP Meeting #8 Mid-West / Wheatbelt JDAP Meeting	Mayor Styn	Shane	Van
21 July 2016	Review Plans for the New Foodbank Centre for Hunger Relief in Geraldton	Cr Lewis Freer		
21 July 2016	Mid West Tourism Update and Workshop	Mayor Styn	Shane	Van
21 July 2016	ABC Interview re: Mid West Tourism Update and Workshop	Mayor Styn	Shane	Van
22 July 2016	Factory Tour: Glass Co 50 th Birthday Celebration	Mayor Styn	Shane	Van
22 July 2016	Apex Club of Geraldton AGM and Board Changeover	Mayor Styn	Shane	Van
22 July 2016	Re-opening of the Queens Park Theatre	Mayor Styn	Shane	Van
23 July 2016	Fire & Rescue Service Captains Dinner	Cr Bob Hall		
23 July 2016	Live Lighter Sin City Slam – Roller Derby Event Official Opening	Cr Jennifer Critch		
25 July 2016	Senior Bowls – QEII Centre	Mayor Styn	Shane	Van
25 July 2016	Public Catch-up – 2 Foreshore	Mayor Styn	Shane	Van
25 July 2016	Regular Catch-Up Media and Marketing	Mayor Styn	Shane	Van
25 July 2016	RCDP City Centre Revitalisation: PCG	Mayor Styn	Shane	Van
25 July 2016	Round 2 - City Centre Revitalisation: for RCDP Growth Plan - Council Focus Group Workshop for Elected members	Mayor Styn	Shane	Van
26 July 2016	Meeting with State Director of the Australian Bureau of Statistics regarding 2016 Census	Mayor Styn	Shane	Van
26 July 2016	Ordinary Meeting of Council	Mayor Styn	Shane	Van

11 REPORTS OF DEVELOPMENT AND COMMUNITY SERVICES

DCS289	AUTHORISED OFFICERS FOR CONTROL OF VEHICLES (OFF-ROAD AREAS) ACT AND CARAVAN PARKS AND CAMPING GROUNDS ACT
--------	--

AGENDA REFERENCE:	D-16-43756
AUTHOR:	N Beer, Ranger Coordinator
EXECUTIVE:	P Melling, Director Development and Community Services
DATE OF REPORT:	5 July 2016
FILE REFERENCE:	LE/6/0010
ATTACHMENTS:	No

EXECUTIVE SUMMARY:

This report provides information to seek Council resolution to appoint an authorised person in compliance enforcement for the following two Acts; Control of Vehicles (Off-Road Areas) Act 1978 and Caravan Parks and Camping Grounds Act 1995.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority, exercising its powers under Section 38 (3) of the Control of Vehicles (Off-Road Areas) Act 1978; Section 17(1) of the Caravan Parks and Camping Grounds Act 1995 and Regulation 6 of the Caravan Parks and Camping Grounds Regulations 1997 RESOLVES to:

1. APPOINT the following person as an authorised officer for the period of their employment at the City of Greater Geraldton as a Ranger:
 - a. Crystal Lock.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The City of Greater Geraldton employs casual rangers from time to time to assist with operational requirements. Each City of Greater Geraldton ranger performs functions under the Control of Vehicles (Off Road Areas) Act 1978 and the Caravan Parks and Camping Grounds Act 1995.

This item is presented to Council to ensure each ranger who carries out functions of the before mentioned Acts and Regulations are duly authorised.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

Compliance enforcement will add stimulus to the City's economy.

Social:

It is essential Local Government rangers are appropriately authorised to administer the provisions under these Acts and Regulations to provide compliance enforcement and assist toward a safer community.

Environmental:

Illegal use of Off Road Vehicles causes considerable damage to the natural environment. The application of these laws assists in deterring the offence therefore decreasing the negative impacts toward the environment.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

Council has previously resolved to appoint authorised rangers for the period of their employment with the City of Greater Geraldton.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Council is able to execute by delegation specific powers in relation to responsibilities under the Local Government Act 1995, Caravan Parks and Camping Grounds Act 1995, Caravan Parks and Camping Grounds Regulations 1997 and the Control of Off Road Vehicles (Off Road Areas) Act 1978.

There is no impact on existing policies or new policies proposed as a result of this authorisation.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Environmental	Revegetation – Rehabilitation - Preservation
Strategy 2.1.2	Sustainably maintaining public open spaces and recreational areas
Title: Social	Community Health and Safety
Strategy 3.5.5	Creating safer communities

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

Council resolution of this report will mitigate against potential risks associated with the ranger performing the role requirements, without compulsory legal authority to do so.

Not endorsing the authorisation would result in the inability of the ranger to enforce compliance under the Control of Vehicles (Off-Road Areas) Act 1978 and Caravan Parks and Camping Grounds Act 1995.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

There are no other options to consider.

COUNCIL DECISION**MOVED CR ELLIS, SECONDED CR REYMOND**

That Council by Simple Majority, exercising its powers under Section 38 (3) of the Control of Vehicles (Off-Road Areas) Act 1978; Section 17(1) of the Caravan Parks and Camping Grounds Act 1995 and Regulation 6 of the Caravan Parks and Camping Grounds Regulations 1997 **RESOLVES** to:

1. **APPOINT** the following person as an authorised officer for the period of their employment at the City of Greater Geraldton as a Ranger:
 - a. **Crystal Lock.**

CARRIED 15/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.

12 REPORTS OF CORPORATE & COMMERCIAL SERVICES

CCS192 DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER 2016-2017

AGENDA REFERENCE:	D-16-41067
AUTHOR:	M Adam, Governance Coordinator
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	29 June 2016
FILE REFERENCE:	GO/19/0009
ATTACHMENTS:	Yes (x1) A. Draft Register of Delegated Authority to the Chief Executive Officer 2016-2017

EXECUTIVE SUMMARY:

The purpose of this report is for Council to undertake a formal review of its delegations within the Register of Delegated Authority to the Chief Executive Officer.

EXECUTIVE RECOMMENDATION:

That Council by Absolute Majority pursuant to Section 5.42 and 5.46 of the Local Government Act RESOLVES to:

1. ENDORSE the review of its delegations in accordance with sections 5.46 of the *Local Government Act 1995*; and
2. DELEGATE the local government powers and duties to the Chief Executive Officer and Mayor where noted, as listed in the amended Register of Delegated Authority to the Chief Executive Officer 2016-2017 (Attachment CCS192).

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

Section 5.42 of the *Local Government Act 1995* (the Act) prescribes that Council may delegate its powers or duties to the Chief Executive Officer(CEO). Delegation to the CEO is also prescribed within other Legislation as detailed within the Register of Delegated Authority to the Chief Executive Officer 2016-2017 (attachment CCS192). Section 5.43 outlines the limitations on such delegations. Section 5.46(2) requires that at least once every financial year delegations are to be reviewed by the delegator (Council). The Council last reviewed its delegations on 28 July 2015 (CCS122) and therefore a formal review is required.

Local Government Act 1995:

5.42 Delegation of some powers and duties to the CEO

(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under-*

- (a) *this Act other than those referred to in Section 5.43; or*
- (b) *the Planning and Development Act 2005 section 214(2), (3) or (5).*

** Absolute Majority required*

5.43. Limits on delegations to CEO

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) *any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;*
- (b) *accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;*
- (c) *appointing an auditor;*
- (d) *acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;*
- (e) *any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;*
- (f) *borrowing money on behalf of the local government;*
- (g) *hearing or determining an objection of a kind referred to in section 9.5;*
- (ha) *the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;*
- (h) *any power or duty that requires the approval of the Minister or the Governor;*
- (i) *such other powers or duties as may be prescribed.*

5.46 Register of, and records relevant to, delegations to CEO and employees

- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*

In accordance with the above requirements officers have undertaken a review of Councils existing delegations to the CEO and made proposals for amendments and additions focussing on the suitability and relevance of the delegations and applying the principles of operational efficiency, statutory compliance and customer service outcomes.

The outcomes of the review are presented in the draft Register of Delegated Authority to the Chief Executive Officer 2016-2017 as the basis for Council (the delegator) to complete its obligations to review the delegations annually.

Proposed amendments

Food Act 2008

Two delegations under the *Food Act 2008* have been added to the Register to facilitate efficiency in authorising Environmental Health Officer to perform their duties when appointed at the City.

- F1. Appointment of Authorised officers (page 64)
- F2. Designate Authorised officers F2 (page 65)

Local Government (Functions and General) Regulations 1996.

Amendments to the *Local Government (Functions and General) Regulations 1996* have been incorporated into the delegations under this section and four additional delegations have been added to include the powers delegated to the Local Government (the Council) pursuant to Regulation 21A, 24AB and AD, 24AH and 24AJ. Sub regulation 4a has been added to the Delegation "Choice of Tenderer."

The numbering of the delegations has been amended within the Register to align with the order of the related sections in the Act and Regulations.

- 1.24 - Requirements for publicly inviting tenders (page 30);
- 1.25 - Choice of tender (page 31);
- 1.26 - Variation of requirements before entry into contract (page 32);
- 1.27 - Variation of requirements before entry into contract (page 33);
- 1.28 - Limitations placed on who may tender (page 34);
- 1.29 - Varying a contract for the supply of goods or services (page 35);
- 1.30 - Choice of acceptable tenderers (page 36);
- 1.31 - Establishment of Local Panels of Prequalified Suppliers (page 37);
- 1.32 -Rejecting and Accepting Applications to join the Panels of Prequalified Suppliers (page 38); and
- 1.33 - Contracts with Pre-Qualified Suppliers (page 40).

Minor amendments

Other than the above changes, the remaining minor variations include changes to titling and wording of the delegations to more accurately reflect the content of the delegations, as contained in Legislation, and the statutory power of delegation.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**Economic:**

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

CCS122 Delegations to the Chief Executive Officer was adopted on 28 July 2015.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 5.42 (1) of the *Local Government Act 1995 (the Act)* provides that:

1. A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under –
 - a. This Act other than those referred to in section 5.43; or
 - b. The *Planning and Development Act 2005* section 214(2), (3) or (5).
- *Absolute majority required.

Section 5.43(a) to 5.43(h) of the Act provide limitations on what powers and duties a local government can delegate to its CEO.

Section 5.46 prescribes that delegations made under Division 4 of the Act are to be reviewed annually by the delegator.

Other Legislation

Interpretation Act 1984 - Section 59;

Planning and Development (Local Planning Schemes) Regulations 2015 - Schedule 2, Part 10, Clause 82;

Planning and Development Act 2005 - Section 16(3)(e);

Building Act 2011 - Section 127(1);

Bush Fires Act - Section 17(10), 59(3), 48(1);

Cat Act 2011- Section 44;

Dog Act 1976 - Section 10AA; and

Food Act 2008- Division 2 Section 118, Part 10 Division 3 Section 122.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service.

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

Council can decide not to delegate some of its powers to the CEO however there is risk that without delegation there will be a significant impact on the efficient and effective delivery of services as all decisions requiring the exercise of a delegation would have to go to Council. This would cause a delay in the delivery of services as Council only meets once a month and create a significant additional workload for Elected Members.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

Council can decide not to delegate some of its powers to the CEO however for the reason above it is recommended that Council adopts the reviewed Register of Delegations to the CEO.

COUNCIL DECISION**MOVED CR REYMOND, SECONDED CR CAUDWELL**

That Council by Absolute Majority pursuant to Section 5.42 and 5.46 of the Local Government Act **RESOLVES** to:

1. **ENDORSE** the review of its delegations in accordance with sections 5.46 of the Local Government Act 1995; and
2. **DELEGATE** the local government powers and duties as listed in the amended Register of Delegated Authority to the Chief Executive Officer 2016-2017 (Attachment CCS192).

CARRIED 14/1

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	YES
Cr. Keemink	YES
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	NO
Cr. Tanti	YES
Cr. Raymond	YES
Cr. Mcllwaine	YES
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

CCS193 COMMUNITY GRANTS COMMITTEE

AGENDA REFERENCE:	D-16-37916
AUTHOR:	B Rafferty, Treasury Officer
EXECUTIVE:	B Davis, Director Corporate & Commercial Services
DATE OF REPORT:	5 July 2016
FILE REFERENCE:	GS/2/0002
ATTACHMENTS:	Yes (x2)
	A. Confidential – Corporate & Commercial Services
	B. Confidential – Corporate & Commercial Services

EXECUTIVE SUMMARY:

The purpose of this item is for Council to elect two (2) external representatives to the Community Grants Committee as per the Terms of Reference as endorsed by Council 22 March 2016.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act RESOLVES to:

1. APPOINT Meredith Wills and Yvonne Lovedee to be the additional two (2) external representatives to the Community Grants Committee; and
2. NOTE the appointment period commences immediately and expires October 2017.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

At the March Council Meeting, Council adopted the amendments to the Community Grants Committee's Terms of Reference which included the addition of two (2) external representatives to the committee.

An Expression of Interest was issued at the beginning of June and two (2) responses were received, being from Meredith Wills and Yvonne Lovedee (responses attached).

The Community Grants Committee have reviewed the responses received and have endorsed their appointment as external representatives of the Committee.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:**Economic:**

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

There are no relevant precedents.

COMMUNITY/COUNCILLOR CONSULTATION:

Consultation has taken place with Councillors as per March Council Item CCS171 in which the Community Grants Committee's Terms of Reference were amended to include two (2) external representatives to the committee.

Councillors on the Community Grants Committee have reviewed the Expression of Interest's received and have given their support for the two (2) representatives to be appointed to the Committee.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

There are no financial or resource implications.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.8	Continuously improving business and governance frameworks to support a growing community

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

There is no specific risk.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

No alternative options were considered by City Officers.

Cr N Colliver declared an impartiality interest in Item CCS193, Community Grants Committee as Meredith Will is a personal friend and remained in Chambers.

COUNCIL DECISION**MOVED CR HALL, SECONDED CR CRITCH**

That Council by Simple Majority pursuant to Section 5.20 of the Local Government Act RESOLVES to:

- 1. APPOINT Meredith Wills and Yvonne Lovedee to be the additional two (2) external representatives to the Community Grants Committee; and**
- 2. NOTE the appointment period commences immediately and expires October 2017.**

CARRIED 15/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.

CCS194 MONTHLY MANAGEMENT REPORT TO 30 JUNE 2016

AGENDA REFERENCE:	D-16-44245
AUTHOR:	M Jones, Financial Business Planner
EXECUTIVE:	B Davis, Director Corporate and Commercial Services
DATE OF REPORT:	11 July 2016
FILE REFERENCE:	FM/17/0001
ATTACHMENTS:	Yes (x1)
	A. Monthly Management Report to 30 June 2016

EXECUTIVE SUMMARY:

The attached financial reports provide a comprehensive report on the City's finances to 30 June 2016. It needs to be noted that the financial report does not represent the City's final financial position for the financial year ending 30 June. The final position will only be determined on completion of the Audited Financial Statements. The statements in this report include no matters of variance considered to be of concern.

EXECUTIVE RECOMMENDATION;

That Council by Simple Majority pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the 30 June 2016 monthly interim financial activity statements as attached.

PROPONENT:

The proponent is the City of Greater Geraldton.

BACKGROUND:

The financial position at the end of June is detailed in the attached report and summarised as follows relative to year-to-date budget expectations:

Operating Income	\$2,169,899	-2.9%	Negative Variance
Operating Expenditure	\$321,911	0.4%	Positive Variance
Net Operating	\$1,847,988		(Increase Deficit)
Capital Expenditure	\$35,316,400	47.4%	Under Budget
Capital Revenue	\$25,931,572	55.3%	Under Budget
Cash at Bank – Municipal	\$7,583,278		
Cash at Bank – Reserve	\$11,816,900		
Total Funds Invested	\$0		
Net Rates Collected	99.58%		

The attached report provides explanatory notes for items greater than 10% or \$50,000. This commentary provides Council with an overall understanding of how the finances are progressing in relation to the revised budget.

The financial position represented in the June financials shows a negative variance of \$1,847,988 in the net operating result. This variance as explained in the monthly report is due to movement of funds from Capital to Operating Expenditure in recognition of a portion of the Karloo-Wandina Bridge which is not a City's asset.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

There are no economic impacts.

Social:

There are no social impacts.

Environmental:

There are no environmental impacts.

Cultural & Heritage:

There are no cultural or heritage impacts.

RELEVANT PRECEDENTS:

Council is provided with financial reports each month.

COMMUNITY/COUNCILLOR CONSULTATION:

There has been no community/councillor consultation.

LEGISLATIVE/POLICY IMPLICATIONS:

Section 6.4 of the Local Government Act 1995 and Regulation 34 of the Local Government (Financial Management) Regulations 1996 require that as a minimum Council is to receive a Statement of Financial Activity.

FINANCIAL AND RESOURCE IMPLICATIONS:

Any issues in relation to expenditure and revenue allocations or variance trends are identified and addressed each month.

INTEGRATED PLANNING LINKS:

Title: Governance	Planning and Policy
Strategy 5.2.7	Ensuring efficient and effective delivery of service

REGIONAL OUTCOMES:

There are no impacts to regional outcomes.

RISK MANAGEMENT

There are no risks to be considered.

ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options to consider.

COUNCIL DECISION

MOVED CR BYLUND, SECONDED CR KEEMINK

That Council by Simple Majority pursuant to Regulation 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

- 1. RECEIVE the 30 June 2016 monthly interim financial activity statements as attached.**

CARRIED 15/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.

CCS195 CONFIDENTIAL ITEM – CORPORATE AND COMMERCIAL SERVICES

AGENDA REFERENCE:	D-16-44371
AUTHOR:	P Vorster, Coordinator Economic Development. B Robartson, Manager Land and Regulatory Services
EXECUTIVE:	B Davis, Director Corporate and Commercial Services.
DATE OF REPORT:	13 July 2016
FILE REFERENCE:	GO/6/0013
ATTACHMENTS:	No

Confidential item, details of which have been circulated separately.

EXECUTIVE RECOMMENDATION:

That the Council by Simple Majority RESOLVES to:

1. DEFER this item until the end of the meeting

The following items were dealt with 'En bloc'

Note: 'En bloc' is the practice when dealing with similar items where elected members have no reason to disagree to the recommendations.

*CCS195 Confidential Item – Corporate & Commercial Services
CEO043 Confidential Item – Office of The CEO*

PROCEDURAL MOTION

MOVED CR HALL, SECONDED CR BYLUND

That Council by Simple Majority RESOLVES to DEFER items CCS195 and CEO043 until the end of the meeting.

CARRIED 15/0

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	YES
Cr. Keemink	YES
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	YES
Cr. Mcllwaine	YES
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

13 REPORTS OF INFRASTRUCTURE SERVICES

IS130	MAITLAND PARK BOTANICAL GARDENS PROPOSAL
-------	--

AGENDA REFERENCE:	D-16-43863
AUTHOR:	G Sherlock, A/Director Infrastructure Services
EXECUTIVE:	G Sherlock, A/Director Infrastructure Services
DATE OF REPORT:	6 July 2016
FILE REFERENCE:	RC/4/0039
ATTACHMENTS:	Yes (x3)
	A. Maitland Park Landscape Master Plan Report
	B. Letter to the Friends of Geraldton Gardens
	C. Response from Friends of Geraldton Gardens

EXECUTIVE SUMMARY:

The purpose of this report is to seek a determination from the Council on the Friends of Geraldton Gardens proposal to construct a Botanical Gardens at Maitland Park.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority pursuant to Section 5.2 of the Local Government Act RESOLVES to:

1. NOT support the FroGG's proposal at this time due to the financial constraints in the Council's current 2016/17 Budget;
2. LIST the FroGG's proposal for consideration in the next review of the Ten Year Capital Works Program as part of the 2017/18 Budget deliberations;
3. UNDERTAKE further consultation with FroGG's to address issues relating to funding, traffic impacts, drainage and their assistance with regards to ongoing operating and maintenance costs; and
4. WORK with the group to seek assistance on existing natural area bush regeneration.

PROPONENT:

The proponent is the Friends of Geraldton Gardens.

BACKGROUND:

The Friends of Geraldton Gardens (FroGG's) were successful in obtaining a grant from the City of Greater Geraldton through Creative Communities to investigate options for the creation of a botanical gardens in Geraldton. With these funds, the group prepared a Landscape Master Plan for the Geraldton Botanical Gardens to be located within the City's Maitland Park. FroGG's presented their work to the Council at a Concept forum and lodged the Master Plan with the City. In response to this submission, a letter was sent to the

Group from the City requesting additional information to which the group subsequently replied (refer to attachments).

FroGG's are now seeking City support for stage 1 of the project which has been estimated at approximately \$300,000. With reference to the attached letter, the group is proposing that it will source the funds and deliver the project. It is only requesting that the City maintains its current level of maintenance support for the park.

The Council has recently endorsed levels of service for Sporting Facilities Support and park levels of service and classifications. These studies and decisions have established levels of service for sporting and park assets. The City is currently responsible for large areas of natural vegetation and bush areas. Currently these areas are managed by a small team with the assistance of a large number of volunteers, green army and work for the dole programs. The current focus is on the Chapman River corridor. There are still large areas that need help including coastal areas. Officers believe that any additional City resources would be best spent increasing service levels in this area rather than trying to deliver a further major project that would add significant additional operations costs to the City.

With the Council's requirement to keep rate rises low and return the City to a financially sustainable position within ten years, the gardens proposal cannot be supported at this time.

Furthermore, this project should be evaluated on the same basis as other capital works projects to determine its relative priority in the Council's Ten Year Capital Works Program.

ECONOMIC, SOCIAL, ENVIRONMENTAL & CULTURAL ISSUES:

Economic:

The Mid West Development Commission identifies tourism as a growth opportunity for the region. The construction of a high quality botanical gardens has the potential to attract additional visitors to Geraldton and has the potential to encourage existing visitors to stay one more night. In the longer term, this represents a significant boost to the local economy. The FroGG's report suggests an injection of \$6,900,000 based on an optimistic estimate of an additional 28,750 visitors per year to the region.

Social:

As detailed in the attached FroGG's report, the master plan includes youth park, ephemeral wetlands, forest walk, playground, interpretative centre, garden rooms. The creation of these facilities would provide an additional destination for visitors and locals adding to the social fabric of the City.

The proposal does not impact on the existing croquet club but may impact on other existing park users and events which would need to be relocated to other venues.

Environmental:

The FroGG's master plan would see the existing Maitland Park transformed into a large garden space. The report indicates that the proposal would reduce current water consumption. It would also increase carbon capture through tree capture, reducing net greenhouse emissions.

Cultural & Heritage:

There are no known cultural or heritage impacts with the proposal. However further investigations in this area may be required. There is some public art currently located in Maitland Park.

RELEVANT PRECEDENTS:

There are a number of local community groups approaching the City for assistance in getting their projects up and going (Batavia Park, Bosley Park, HMAS Sydney II). The City's consistent approach has been that these endeavours are supported on the condition that they do not increase the City's annual operational costs. These decisions have been made in the context of the Council's requirement to keep rate rises low and return the City to a financially sustainable position sooner.

COMMUNITY/COUNCILLOR CONSULTATION:

FroGG's have obtained a number of letters of support from surrounding schools and churches. FroGG's have presented their proposal to the Councillors at Councillor Concept Forums. The City has not conducted any broad community consultation on the project and the change of use of Maitland Park.

LEGISLATIVE/POLICY IMPLICATIONS:

There are no legislative or policy implications.

FINANCIAL AND RESOURCE IMPLICATIONS:

It is the officer's opinion that if the Council wants to proceed with the development of a large Botanical Gardens project, the City would ultimately need to take over management and control of the project with FroGGs and other community groups becoming a critical support partner. Officers believe that the City would become responsible for the majority if not all of the capital and operational costs. This is because the management of a botanical gardens is a large and complex undertaking that would require the employment of at least one technical expert and a number of other workers to maintain the area. This is the case with other botanical gardens around the country including Perth's King's Park.

INTEGRATED PLANNING LINKS:

Title: Economy	Lifestyle and vibrancy
Strategy 4.1.3	Revitalising the CBD through economic, social and cultural vibrancy.

REGIONAL OUTCOMES:

The construction of a large botanical gardens would represent a regional tourism attraction and add to the region's economic and social diversity.

RISK MANAGEMENT

With the current proposal for FroGG's to manage the project, the largest risk is that the project is too large for the group to sustainably manage in the long term. With this model, the risk is that the City would need to take over the project mid-stream.

The other significant risk with FroGG's managing the project is that adequate traffic, stormwater and associated issues are not properly managed resulting in local disruption. The main concern of officers would be traffic management and parking management which are already an issue at this location.

ALTERNATIVE OPTIONS CONSIDERED BY CITY OFFICERS

The following options were considered by City Officers:

1. The City supports the project and takes over management of the proposal including all associated costs with FroGG's becoming a major project partner. If the Council wishes to proceed with this major project, officers believe this is the appropriate course of action. However, it has been discounted at this point due to the City's current financial situation.
2. The City supports the FroGG's request to proceed with stage 1 of the development with FroGG's being fully responsible for sourcing the required capital funds, project management and on-going maintenance costs. If the City proceeds with this option, it will have missed a number of steps that are usually completed after a draft master plan is completed. These include broad community consultation, peer review, detailed utility design and detailed traffic and park management studies to name a few. Stage 1 of the development does not include any car parks, storage sheds or other amenities. Officers believe that if the Council endorses this option, broader community consultation on the proposal should be undertaken prior to this decision being made.

Cr N Colliver declared an impartiality interest in Item IS130, Maitland Park Botanical Gardens Proposal, as her mother-in-law is on the Friends of Geraldton Gardens Inc Committee, which are the proponents, and remained in chambers.

Cr S Douglas declared an impartiality interest in item IS130, Maitland Park Botanical Gardens Proposal, as FroGG's are seeking a grant through MWDC, and remained in chambers.

Cr Keemink left Chambers and the meeting 5.25pm.

COUNCIL DECISION**MOVED CR ELLIS SECONDED CR REYMOND**

That Council by Simple Majority pursuant to Section 5.2 of the Local Government Act **RESOLVES** to:

1. **ENDORSE** the Stage 1 development of Maitland Park as detailed in the Friends of the Geraldton Gardens proposed Master Plan, subject to the following conditions:
 - a. that the Friends of Geraldton Gardens fully fund all capital and ongoing maintenance costs associated with the Stage 1 development, including the City's project oversight costs during construction;
 - b. that City approve all plant species to be planted in Stage 1, prior to their planting;
 - c. that access to the City's Storage situated within the present toilet block be granted, subject to their being no operational need of the City, as determined by the Chief Executive Officer;
 - d. that the Council delegates authority to the Chief Executive Officer to draft and sign a Memorandum of Understanding with the Friends of Geraldton Gardens to ensure project details such as insurances, detailed design approval, risk assessments, safety plans, utility access and costs, traffic plans, exit plans are at a standard that is satisfactory to the City;
2. **LIST** the development of further stages of the Maitland Park Master Plan for consideration in a future capital works program; and
3. **UNDERTAKE** further consultation with the Friends of Geraldton Gardens in relation to traffic management, drainage, and other impacts associated with the development of further stages of Maitland Park.

CARRIED 13/1

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	NO
Cr. Ellis	YES
Cr. Keemink	N/V
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	YES
Cr. Mcllwaine	YES
Cr. Freer	YES
Cr. Colliver	YES

Cr. Caudwell	YES
Cr. Thomas	YES

REASON FOR VARIATION TO THE EXECUTIVE RECOMMENDATION:
To allow only Stage 1 to proceed at no cost to Council, and with no commitment from Council for subsequent stages.

14 REPORTS OF THE OFFICE OF THE CEO**CEO043 CONFIDENTIAL ITEM – OFFICE OF THE CEO**

AGENDA REFERENCE:	D-16-44145
AUTHOR:	K Diehm, Chief Executive Officer
EXECUTIVE:	K Diehm, Chief Executive Officer
DATE OF REPORT:	12 July 2016
FILE REFERENCE:	GO/15/0001
ATTACHMENTS:	Yes (x1)
	A. CONFIDENTIAL Attachment

Confidential item, details of which have been circulated separately.

EXECUTIVE RECOMMENDATION:

That the Council by Simple Majority RESOLVES to:

1. DEFER this item until the end of the meeting.

See page 23 where this motion was carried En Bloc.

PROCEDURAL MOTION**MOVED CR HALL, SECONDED CR BYLUND**

That Council by Simple Majority RESOLVES to DEFER items CCS195 and CEO043 until the end of the meeting.

CARRIED 15/0

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	YES
Cr. Keemink	YES*
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	YES
Cr. Mcllwaine	YES
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	YES
Cr. Thomas	YES

**NOTE Cr Keemink left the meeting at 5.25pm, but was present when the motion was carried En Bloc – see page 23.*

15 REPORTS TO BE RECEIVED**REPORTS TO BE RECEIVED**

AGENDA REFERENCE:	D-16-43861
AUTHOR:	K Diehm, Chief Executive Officer
EXECUTIVE:	K Diehm, Chief Executive Officer
DATE OF REPORT:	11 July 2016
FILE REFERENCE:	GO/6/0012-04
APPLICANT / PROPONENT:	City of Greater Geraldton
ATTACHMENTS:	Yes (x2)
	A. Delegated Determinations and Subdivision Applications
	B. Confidential List of Accounts Paid Under Delegation – June 2016

EXECUTIVE SUMMARY:

To receive the Reports of the City of Greater Geraldton.

EXECUTIVE RECOMMENDATION:**PART A**

That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Development & Community Services:
 - i. DCSD112 – Delegated Determinations and Subdivision Applications.

PART B

That Council by Simple Majority, pursuant to Sections 5.13 and 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

1. RECEIVE the following appended reports:
 - a. Reports – Corporate and Commercial Services:
 - i. CCS196 – Confidential List of Accounts Paid Under Delegation – June 2016.

PROponent:

The proponent is the City of Greater Geraldton

BACKGROUND:

Information and items for noting or receiving (i.e. periodic reports, minutes of other meetings) are to be included in an appendix attached to the Council agenda.

Any reports received under this Agenda are considered received only. Any recommendations or proposals contained within the “Reports (including Minutes) to be Received” are not approved or endorsed by Council in any way. Any outcomes or recommendations requiring Council approval must

be presented separately to Council as a Report for consideration at an Ordinary Meeting of Council.

COMMUNITY/COUNCILLOR CONSULTATION:

Not applicable.

LEGISLATIVE/POLICY IMPLICATIONS:

Not applicable.

COUNCIL DECISION

MOVED CR GRAHAM, SECONDED CR THOMAS

PART A

That Council by Simple Majority pursuant to Section 5.22 of the Local Government Act 1995 RESOLVES to:

- 1. RECEIVE the following appended reports:**
 - a. Reports – Development & Community Services:**
 - i. DCSDD112 – Delegated Determinations and Subdivision Applications.**

PART B

That Council by Simple Majority, pursuant to Sections 5.13 and 34 of the Local Government (Financial Management) Regulations 1996 RESOLVES to:

- 1. RECEIVE the following appended reports:**
 - a. Reports – Corporate and Commercial Services:**
 - i. CCS196 – Confidential List of Accounts Paid Under Delegation – June 2016.**

CARRIED 14/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.

16 DEFERRED MATTERS

Pursuant to Section 5.2 (i) of the Meeting Procedures Local Law February 2011, please note this part of the meeting will be closed to the public due to its confidential nature.

EXECUTIVE RECOMMENDATION:

That Council by Simple Majority RESOLVES to MOVE behind Closed doors in accordance with section 5.23(2) of the Local Government Act 1995 and section 5.2(i) of Meeting Procedures Local Law, that the following report is confidential as it contains information relating to a contract entered into, or may be entered into by the local government and which relates to a matter to be discussed at the meeting.

COUNCIL DECISION**MOVED CR BYLUND, SECONDED CR FREER**

That Council by Simple Majority RESOLVES to MOVE behind Closed doors in accordance with section 5.23(2) of the Local Government Act 1995 and section 5.2(i) of Meeting Procedures Local Law, that the following report is confidential as it contains information relating to a contract entered into, or may be entered into by the local government and which relates to a matter to be discussed at the meeting, and the personal affairs of a person.

CARRIED 14/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.

CCS195 CONFIDENTIAL ITEM – CORPORATE AND COMMERCIAL SERVICES
--

AGENDA REFERENCE:	D-16-44371
AUTHOR:	P Vorster, Coordinator Economic Development. B Robartson, Manager Land and Regulatory Services
EXECUTIVE:	B Davis, Director Corporate and Commercial Services.
DATE OF REPORT:	13 July 2016
FILE REFERENCE:	GO/6/0013
ATTACHMENTS:	No

Confidential item, details of which have been circulated separately.

EXECUTIVE RECOMMENDATION:

As per the Confidential Item.

Cr Thomas Left chambers at 5.48pm

Cr Thomas returned to chambers at 5.49pm

COUNCIL DECISION

MOVED CR REYMOND, SECONDED CR HALL

Part A

That Council by Absolute Majority pursuant to Section 6.47 of the Local Government 1995 Act RESOLVES to:

1. **APPROVE** a concession of one hundred percent of the general rate on Lot 33 (No.25-29) Cathedral Avenue, Geraldton for a period of three years commencing from the date the construction commences onsite;
2. **APPROVE** a concession of fifty percent of the rates on Lot 33 (No.25-29) Cathedral Avenue, Geraldton for a period of two years immediately following the period to which the one hundred percent concession applies;
3. **APPROVE** the waiver of all City of Greater Geraldton fees and charges related to the planning and building approvals on the development at Lot 33 (No.25-29) Cathedral Avenue, Geraldton;
4. **MAKE** the granting of these concessions subject to the following conditions:
 - a. The owner of Lot 33 must provide a development construction schedule that meets with the Chief Executive Officer's approval;
 - b. Ongoing construction must be carried out in accordance with the approved development construction schedule to the Chief Executive officer's satisfaction;
 - c. That all rates arrears are paid in full; and

5. **NOTE** that provided that the conditions attaching to the construction are complied with, the rate will apply from the date of construction as determined by the Chief Executive Officer.

Part B

That Council by Simple Majority pursuant to s3.58 of the Local Government Act 1995 (as amended) **RESOLVES** to:

1. **SUPPORT** 'in principle' to transfer the fee simple title of Lots 35-43 on Diagram 47721 to Makesum Investments Pty Ltd and Merilla Pty Ltd;
2. **MAKE** the determination subject to the following conditions:
 - a. the consideration for the transfer to be nil;
 - b. the City of Greater Geraldton to obtain an easement in gross for public access in relation to the footpath and cubic space above, up to 8m AHD;
 - c. by the easement, the strata company covenants to upgrade and thereafter maintain and repair the easement, to the satisfaction of the City of Greater Geraldton.
 - d. the columns and the underside of the overhanging portion are to be and remain common property;
 - e. the strata company must maintain a policy of insurance with Council named as an indemnified party, relating to the state of the overhang and of the columns;
 - f. there is to be a provision for transfer-back of the fee simple if:
 - i. amalgamation of Lots 35-43 with the Town Towers title (Lot 33) is not achieved and a new title issued, within 1 year of this resolution; or
 - ii. a new strata plan for Town Towers as to amalgamation is not registered within a further 2 years thereafter;
 - g. the easement and any associated legal agreement necessary to give effect to the above are to be prepared by Council's solicitors at the proponents' cost;
3. **ADVERTISE** the intention to dispose of the property in accordance with the above conditions for a period of no less than 14 days; and
4. **REFER** the matter back to Council for final consideration following the advertising period.

CARRIED 14/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.

CEO043 CONFIDENTIAL ITEM – OFFICE OF THE CEO

AGENDA REFERENCE:	D-16-44145
AUTHOR:	K Diehm, Chief Executive Officer
EXECUTIVE:	K Diehm, Chief Executive Officer
DATE OF REPORT:	12 July 2016
FILE REFERENCE:	GO/15/0001
ATTACHMENTS:	Yes (x1)
	A. CONFIDENTIAL Attachment

Confidential item, details of which have been circulated separately.

Cr Critch left chambers at 5.57pm

Cr Critch returned to the chambers at 5.58pm

EXECUTIVE RECOMMENDATION:

As per the Confidential Item.

COUNCIL DECISION

MOVED CR McIlwaine, SECONDED CR Hall

That Council by Simple Majority pursuant to Section 5.21 of the Local Government Act RESOLVES to:

1. **CONSIDER** the nomination of Mr Ian Carpenter by Cr. N McIlwaine for conferral as an “Honorary Freeman of the City of Greater Geraldton”; and
2. **CONFER** upon Mr Ian Carpenter the title of “Honorary Freeman of the City of Greater Geraldton” in accordance with Council Policy CP041.

CARRIED 12/2

Mayor Van Styn	YES
Cr. Douglas	YES
Cr. Bylund	YES
Cr. Ellis	YES
Cr. Keemink	N/V
Cr. Hall	YES
Cr. Critch	YES
Cr. Graham	YES
Cr. Tanti	YES
Cr. Reymond	NO
Cr. McIlwaine	YES
Cr. Freer	YES
Cr. Colliver	YES
Cr. Caudwell	NO
Cr. Thomas	YES

COUNCIL DECISION

MOVED CR THOMAS, SECONDED CR BYLUND

That Council by Simple Majority RESOLVES to MOVE from behind Closed doors.

CARRIED 14/0

In accordance with Section 9.3 (2) of the City of Greater Geraldton's Meeting Procedures Local Law, February 2012 the motion was passed unopposed.

17 ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

18 QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

19 URGENT BUSINESS APPROVED BY PRESIDING MEMBER OR BY DECISION OF THE MEETING

Nil.

20 CLOSURE

There being no further business the Presiding Member closed the meeting at 6.11pm

APPENDIX 1 – ATTACHMENTS AND REPORTS TO BE RECEIVED

Attachments and Reports to be Received are available on the City of Greater Geraldton website at: <http://cgg.wa.gov.au/about-council/meetings>
<http://www.cgg.wa.gov.au/council-meetings/>